

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                |   |                         |
|--------------------------------|---|-------------------------|
| ARTHUR L. WHITFIELD, III,      | ) |                         |
| Petitioner,                    | ) |                         |
|                                | ) | Civil Action No. 12-911 |
| v.                             | ) |                         |
|                                | ) |                         |
| WARDEN D. SAUERS, THE ATTORNEY | ) |                         |
| GENERAL OF THE STATE OF        | ) |                         |
| PENNSYLVANIA                   | ) |                         |
| Respondents.                   | ) |                         |

O R D E R

In a Report and Recommendation [ECF No. 22] filed on December 4, 2012, it was recommended that petitioner's habeas corpus petition be dismissed and that a certificate of appealability be denied. The petitioner was granted until December 21, 2012 to file objections to the Report and Recommendation. While no objections were filed, on December 6, 2012, the petitioner filed a "Traverse to the Respondent's Answer" [ECF No. 23] which, while clearly not objections, has been reviewed by this Court, and are found to be without merit.

Therefore, this 4<sup>th</sup> day of January, 2013, IT IS HEREBY ORDERED that petitioner's habeas corpus petition [ECF No. 2] is DISMISSED, a certificate of appealability is DENIED, and the Report and Recommendation of Magistrate Judge Robert C. Mitchell, dated December 6, 2012 [ECF No. 22], is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that petitioner's Motion and Leave  
for Appointment of Counsel [ECF No. 16] is DENIED.

A handwritten signature in black ink, appearing to read "G L Lancaster", written over a horizontal line.

Hon. Gary L. Lancaster,  
Chief United States District Judge

cc: Hon. Robert C. Mitchell,  
United States Magistrate Judge

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